

Return Date: November 16, 2022

ORRICK, HERRINGTON & SUTCLIFFE LLP

Jonathan P. Guy
James W. Burke (admitted *pro hac vice*)
1152 15th Street, N.W.
Washington, D.C. 20005
Telephone: (202) 339-8400
Facsimile: (202) 339-8500

Attorneys for Koch Industries, Inc.

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC, and
Bernard L. Madoff,

Plaintiff,

v.

KOCH INDUSTRIES, INC., as successor in interest
to Koch Investment (UK) Company,

Defendant.

Adv. Pro. No. 08-01789 (BRL)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 12-01047 (BRL)

**MOTION OF KOCH INDUSTRIES, INC. TO DISMISS THE COMPLAINT
AND NOTICE OF MOTION**

Defendant Koch Industries, Inc. hereby moves pursuant to Federal Rule of Civil Procedure 12(b)(6), made applicable to this action by Federal Rule of Bankruptcy Procedure 7012, for dismissal of this action on the ground that Plaintiff's complaint fails to state a claim on which relief may be granted. In support of this motion, Defendant submits herewith a memorandum of law and the Declaration of Jonathan P. Guy. Defendant does not consent to the entry of final orders or judgment by this Court.

In accordance with the Stipulation and Order entered on May 10, 2022 (ECF No. 104), the deadline for Plaintiff's response to the motion is September 30, 2022, and the deadline for Defendant's reply in support of the motion is November 11, 2022.

The return date for this motion is the November 16, 2022 omnibus hearing date. Defendant does not request oral argument on this motion.

Dated: July 22, 2022
Washington, D.C

Respectfully submitted,

/s/ Jonathan P. Guy
Jonathan P. Guy
James W. Burke (admitted *pro hac vice*)
ORRICK, HERRINGTON & SUTCLIFFE LLP
1152 15th Street, N.W.
Washington, D.C. 20005
Telephone: (202) 339-8400
Facsimile: (202) 339-8500
Email: jguy@orrick.com; jburke@orrick.com

Attorneys for Koch Industries, Inc.